

JUN 24 2019

IN THE UNITED STATES DISTRICT  
COURT WESTERN DISTRICT OF VIRGINIA

JULIA C. DUDLEY, CLERK  
BY: *A. Single*  
DEPUTY CLERK

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 7:19CV465  
(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

**I. PARTIES**

**A. Plaintiff:**

1. (a) Walter L. Johnson  
(Name)
- (b) 1701 North Avenue, NE  
(Address)
- Roanoke, VA 24012-5437

**Plaintiff MUST keep the Clerk of Court notified of any change of address. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.**

**Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Liability under Section 1983 requires personal action by the defendant that caused you harm.**

**B. Defendant(s):**

1. (a) Donald Caldwell (b) Roanoke, VA Commonwealth Atty  
(Name) (Title/Job Description)
- (c) 315 - C Church Avenue  
(Address)
- Roanoke, VA 24016

2. (a) Douglas Hubert (b) VA State Police, #5536  
(Name) (Title/Job Description)
- (c) 3775 West Main Street  
(Address)
- Salem, VA 24153
3. (a) \_\_\_\_\_ (b) \_\_\_\_\_  
(Name) (Title/Job Description)
- (c) \_\_\_\_\_  
(Address)
- \_\_\_\_\_

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

**Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.**

## II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [ ] No [ X]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county):

\_\_\_\_\_

3. Date lawsuit filed: \_\_\_\_\_

4. Docket number: \_\_\_\_\_

5. Name of Judge to whom case was assigned: \_\_\_\_\_

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?) : \_\_\_\_\_

### III. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

On 13 September 2013 i was served with a search warrant, (copy herein attached) and many

items were removed from my home and vehicles. Four computers removed were not mine,

rather they belonged to people that had brought them to me for repair. On 28 July 2017

Douglas Hubert under the direction of Donald Caldwell destroyed all of the seized property

under the color of law with the attached destruction order. This action violated my rights

under the due process clause of 5th and 14th Admendments of the United States Constitution.

I was never advised that proceedings had been undertaken to deprive me of my property

so that i could refute any and all such claims in a court of law. In the course of the six years

since the search warrant was served, no indictment nor charges were levied that needed to

to be defended. IF as alleged, illegal content was found, why was i not prosecuted? I allege

the commonwealth's attorney and the state police conspired together to deprive me of my

property as a vindictive and malicious act because I could not be charged.

#### IV. RELIEF

The plaintiff wants the Court to: (check those remedies you seek)

- ☒ Award money damages in the amount of \$ 30,000.00
- ☐ Grant injunctive relief by Removal from office all parties involved.
- ☒ Other \$30,000 punitive damages for loss of use of equipment, and family photos destroyed.

#### V. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

**Do you consent to proceed before a U.S. Magistrate Judge:** Yes [ ☒ ] No [ ☐ ]. You may consent at any time; however, an early consent is encouraged.

#### VI. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 24th day of June, 2019.

Plaintiff , Walter L. Johnson